

SECTION 3
SPECIAL DISTRICTS
(revision ZA05-0001)

1.01 PD - PLANNED DEVELOPMENT DISTRICT

1.02 GENERAL DESCRIPTION AND PURPOSE

The Planned Development (PD) District is a district which accommodates coordinated development that provides a more flexible means than the zoning districts outlined in this ordinance. A PD District may be used to permit new or innovative concepts in land utilization or diversification that could not be achieved under conventional zoning approaches. Procedures are established herein to insure appropriate use of PD zoning. The PD designation shall be used for the following purpose(s):

- Master planning;
- To carry out specific goals of the comprehensive plan, City or public/private partnered special projects, and City Council strategic focus areas;
- Development of mixed use, transit-oriented, or traditional neighborhoods with a variety of uses and housing types; and/or
- To preserve natural features, open space, and other topographical features of the land.

PD zoning designation shall not be used solely to obtain variances and waivers from existing development standards nor be used to secure agreements between an applicant and nearby property owners to receive zoning approval. The requirements set forth herein may be waived only at the discretion of the Director of Planning and Development Services or his/her designee.

1.03 PERMITTED USES

Any use permitted in this Ordinance shall be permitted in a PD District if such use is specified in the amending Ordinance granting a PD District or the Ordinance shall reference a zoning district that will maintain base requirements for the PD. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this Ordinance.

1.04 PLANNED DEVELOPMENT REQUIREMENTS

- A. Development requirements for each PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to standards listed in the following documents:
- Comprehensive Zoning Ordinance;
 - Subdivision Regulation Ordinance;
 - Engineering Design Standards and Construction Details;

- Sign Ordinance; and
- Other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

When referencing a base zoning district, the PD ordinance will not have to provide any of the above unless they vary from the zoning district requirements.

- B. All applications to the City for PD zoning shall list all requested standards differing from the normal requirements set forth throughout this Ordinance and related City of Frisco development requirements (applications without this list will be considered incomplete). This shall be provided in the form of a comparison table that lists all current standards and the corresponding proposed standards for the PD District. The applicant shall also include a written justification for the PD request and associated standards, including a statement of impact on public health, safety, and welfare. Two types of PD's can be requested, an overlay PD and a freestanding PD, described below.
1. In the overlay PD District, uses shall conform to the standards and regulations of the base zoning district. The particular zoning district must be stated in the granting ordinance.
 2. In the free-standing PD District, any use may be allowed for any district that is listed in this Ordinance. All standards and uses shall be outlined within the granting ordinance and the PD shall be in conformance with the purpose and intent of the Comprehensive Plan. A base zoning district shall be assigned and stated within the granting ordinance at the time of City Council approval of the ordinance. This base zoning district will be used when any specific regulations are not listed in the granting ordinance.
- C. An applicant for a PD District shall submit all materials required by this Ordinance, including but not limited to Section 1.04.B., above, with the application. The Director of Planning & Development Services or his/her designated representative shall send written notice, within ten (10) business days after the date the application is filed, to any applicant that has submitted incomplete materials stating the remaining documents or other information needed to make the application complete. The application for a PD District shall expire on the forty-fifth (45th) day after the date the application was filed if the applicant fails to submit the remaining documents or other information needed to make the application complete on or before such forty-fifth (45th) day. In addition, the applicant is encouraged to conduct a neighborhood meeting with area homeowners within the vicinity of the request prior to appearing before the Planning & Zoning Commission.
- D. The Ordinance granting a PD District shall include a Statement of Intent and

Purpose, and shall be attached as Exhibit "B" to the PD ordinance. This exhibit shall state the intent of the PD granted therein and shall qualify a reason that a PD is necessary. The PD shall be consistent with the Comprehensive Plan.

- E. A development schedule may be requested by staff, the Planning & Zoning Commission, or the City Council at any time during the PD request process.
- F. The PD District standards shall conform to all other sections of this Ordinance unless specifically excluded or modified in the granting ordinance.
- G. The minimum net acreage for a PD request shall be fifteen (15) acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan, a strategic focus area, a special project, or any other purpose (see Section 1.07).

1.05 In establishing a PD District in accordance with this section, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each PD District, which shall be attached as Exhibit "C" to the PD ordinance. Exhibit "C" shall outline the list of proposed standards for the PD. If different standards will be applied to different tracts within the PD, then separate regulations for each tract shall be specified. If the proposed PD is amending uses only, nothing additional is required unless supplemental information is necessary to clarify the request. If the proposed PD amends any other standards, a zoning exhibit of the proposed PD will be required (which shall be attached as Exhibit "D" to the PD ordinance), unless otherwise determined by the Director of Planning & Development Services or his/her designee. Exhibit "D" shall facilitate understanding of the request during the review and public hearing process, and will serve as a guide for future development within the PD District.

- A. If required, the Zoning Exhibit "D" shall reflect the overall layout of the entire development and shall provide details including, but not limited to the following:
 - Proposed and existing street layouts, alleys, and rights-of-way;
 - Comprehensive design schema (overall theme);
 - Housing types and base zoning (i.e. single family, duplex, townhome), if applicable;
 - Preliminary division of lots;
 - Approximate location of proposed thoroughfares and streets;
 - Location of existing thoroughfares, streets, and other access;
 - Topography and physical features of the site;
 - Existing and proposed easements and utilities; and
 - Adjacent proposed and/or existing development.

If the Planned Development is nonresidential and/or mixed use in nature, the Zoning Exhibit "D" shall also include but not be limited to building dimensions and location, structure height, uses, parking specifications, floor area ratio and lot coverage, open space specifications, drainage features, landscaping and trees, flood plain details, and architectural style or elevations for illustrative purposes.

- B. The City may require further written documentation that describes and explains the Exhibit "D" layout. The Exhibit "D" shall in no way vest rights for the property that are outside the regulations of the Comprehensive Zoning Ordinance and other applicable City ordinances, as they currently exist or shall be amended.

1.06 **Mixed Use Standards.** A PD may be requested to encourage mixed use development that utilizes characteristics similar to the following mixed use standards:

- A. Mixed-use may be accomplished by a vertical mixing of varying uses within the same building or group of buildings.
- B. Mixed-use may be accomplished by a neo-traditional/new urbanism design or traditional neighborhood development (see 1.08 below).
- C. Mixed-use development shall be compatible with adjacent properties.
- D. Mixed-use developments shall integrate open space and recreational uses.
- E. Mixed-use developments shall be located along Major Thoroughfares wherever possible. A Traffic Impact Analysis will be required unless it is waived by the Director of Planning and Development Services or his/her designee.
- F. Mixed-use planned development ordinances shall contain architectural standards that tie the entirety of the development together.

1.07 **Infill Development Standards.** A Planned Development may be used for the purpose of developing or re-developing infill sites such as those in older areas or those that have remained vacant and are currently surrounded by development on 50% or more of their perimeter. Resources for warranted infill development can be found in the Smart Growth page of "Resources and White Pages for Smart Growth," a website produced by the International Council of Shopping Centers (www.growthmanagement-icsc.org/smartgrowth/resources.asp), or the Models and Guidelines for Infill Development, published by the Maryland Department of Planning (a text copy is available in the Planning Department, or go to www.mdp.state.md.us/planningact/download/infill.pdf to download the document). These are to be referenced as guidelines only. The use of these specific guidelines for infill developments shall be subject to City Council approval.

1.08 **Neotraditional Design or New Urbanism (Traditional Neighborhood Development).** A PD may be used for the purpose of a traditional, new urbanism or neotraditional neighborhood. When the claim is made that the purpose of a PD is for one of these purposes, the applicant shall use the following criteria to qualify the PD:

- The creation of neighborhoods with a range of uses and housing types (i.e. mixed-uses). Commercial uses and more intensive residential uses are frequently located in a neighborhood center.
- Limits on the size, location, and design of buildings as opposed to the strict separation of uses.
- An interconnected network of streets that are safe also designed for pedestrians and which provide a variety of routes for local traffic.
- A range of transportation options are available due to the pattern of streets and the proximity of various land uses.
- High quality public space (greenbelts, parks, plazas and streets) are an organizing feature and gathering place for the neighborhood.

In the case of a traditional, new urbanism, or neo-traditional development, the statement of purpose and intent shall describe how the proposed development will be in compliance with the above criteria. Textual and visual references for new urbanism can be found in *The Next American Metropolis*, by Peter Calthorpe and *New Urbanism: Comprehensive Report & Best Practices Guide*, by Robert Steuteville and Philip Langdon. The use and application of standards from these references will be evaluated by staff prior to the presentation of the PD to the Planning & Zoning Commission.

1.09 **Form Based Codes Manual.** The procedure for establishing a Planned Development District shall incorporate applicable sections of the Form Based Code Manual, listed in Article VI (7) as it currently exists or may be amended. (ZA07-0005)

1.10 The procedure for establishing a PD District shall follow the procedure for zoning amendments as set forth in Article I, Section 11. This procedure is further expanded as follows for approval of the Zoning Exhibit "D".

A. The Planning and Zoning Commission and City Council may approve the Exhibit "D," separately or jointly in public hearings. A single public hearing for the PD request may be adequate when:

1. The applicant submits adequate data with the request for the Planned Development (PD) District to fulfill the requirement; or
2. Information on the Exhibit "D" and attached application is sufficient to determine the appropriate use of the land.

- B. The Ordinance establishing the PD District shall not be approved until the Zoning Exhibit "D" is approved, if required.
- C. The procedure for amending a PD is based upon the type of change being proposed and shall follow the guidelines regarding minor amendments and major amendments, as follows:

- 1. A minor amendment to a PD shall be requested at the time of preliminary site plan, is subject to approval by the Planning & Zoning Commission, and shall be defined as a change that meets the following standards:

- a. Does not propose any new general type of use beyond those approved initially;
- b. Does not increase the building ground coverage or square footage of any buildings more than ten percent (10%);
- c. Does not increase heights of buildings or floor area ratio;
- d. Does not decrease the amount of open space being provided and/or the residential density of the PD; and/or
- e. Does not change access, circulation, or infrastructure in a way that would impact surrounding properties.

A minor amendment shall be submitted at the time of the development application, and the application shall include supporting data with an outline of any minor amendments being proposed on the plan(s). The denial of a minor amendment may be appealed to the City Council upon denial by the Planning & Zoning Commission (see Article IV, Section 1.08.B.7).

- 2. A major amendment to a PD shall be processed through the normal PD procedure as described herein. The process will require reconsideration of the entire PD with the amendment. In the case of amending a portion or tract of the PD, the following actions are required:

- a. Signatures of all adjacent property owners on the application for the PD request;
- b. Public notification to all the property owners within the PD in addition to property owners within 200 feet of the tract; and
- c. The $\frac{3}{4}$ majority vote shall apply to the property owners within

200 feet of the tract being re-zoned.

- 1.11 When a PD District is being considered, a written report from the Director of Planning & Development Services or his/her designated representative, discussing the impact on public infrastructure, City services, and parks, and written comments from the applicable public school district may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, deny the request.
- 1.12 All PD Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained as part of this ordinance in Article VI, Appendix 2.
- 1.13 The Planning and Zoning Commission or the City Council on its own motion may initiate a zoning change to a PD designation if it finds that public benefit will be derived from consideration of such matter. Please reference "Authority to Amend Ordinance" in Article I, Section 11 (11.01) in the Comprehensive Zoning Ordinance, as it exists or may be amended.
- 1.14 The Planned Development District Ordinances listed in Article VI, Appendix 2, Numbered 1- 85 (the "Existing Ordinances") are Ordinances previously adopted by the City Council. These Existing Ordinances are affected by the amendments to Ordinance No. 84-02-03 and Ordinance No. 93-07-11 set forth herein according to the following guidelines:
 - A. Any allowable uses and/or development standards set forth in the Existing Ordinances that are established by reference to Ordinance No. 84-02-03 or any amendment thereto are amended, and those allowable uses and/or development standards shall be governed by the allowable uses and/or development standards established in this Ordinance for the applicable zoning district shown on the equivalency table set forth below.
 - B. Any allowable uses and/or development standards set forth in the Existing Ordinances that are not established by reference to Ordinance No. 84-02-03 or any amendment thereto are not amended and shall be governed by the allowable uses and/or development standards set forth in the Existing Ordinance.
 - C. Except as provided above, all other provisions of the Existing Ordinances are amended by this Ordinance, and to the extent amended, development shall be governed by the terms and conditions of this Ordinance.